

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

DEC 29 1993

F. Joseph Brinig, Esq.
Brinig and Bernstein
1818 N Street, N.W.
Suite 200
Washington, D.C. 20036

93-263

Re: Cary D. Camp
New FM Station
Mansfield, Louisiana
Fee Control # 9209118170383002

Dear Mr. Brinig:

This is in response to your request for refund of the fee submitted in the above-referenced matter.

Your request is granted. We have reviewed the facts surrounding your filing and have concluded that a refund is warranted pursuant to Section 1.1111 of the Commission's rules. 47 C.F.R. §1.1111. The subsection checked below is specifically applicable to your request.

- _____ No fee is required for the above referenced submission (§1.1111(a)(1)).
- _____ An insufficient fee has been submitted with the application/filing (§1.1111(a)(2)).
- _____ The applicant cannot fulfill the prescribed age requirement (§1.1111(a)(4)).
- _____ The Commission has adopted a new rule that has nullified the application after its acceptance for filing (§1.1111(a)(4)).
- _____ A new law or treaty has rendered useless a grant or other positive disposition of the application (§1.1111(a)(4)).
- _____ The application was not timely filed in accordance with the filing window as established by the Commission (§1.1111(a)(6)).
- _____ In the case of a broadcast applicant, the application was granted without being designated for hearing (§1.1111(b)(1)).

- _____ In the case of a broadcast applicant, the application was dismissed prior to designation for hearing or in the order designating the case for hearing (§1.1111(b)(2)).
- _____ In the case of a broadcast applicant, the application was dismissed for failure to file a Notice of Appearance (§1.1111(b)(2)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding to file a Notice of Appearance and the application was immediately grantable (§1.1111(b)(3)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding who filed a Notice of Appearance and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)).
- X In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for the dismissal of all but the above-referenced application, and the application was immediately grantable (§1.1111(b)(4)).
- _____ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for dismissal of all but the above-referenced application and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)(4)).

A check, made payable to the maker of the original check and drawn in the amount of \$6,760, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

Marilyn J. McDermett
Associate Managing Director
for Operations

Holly 920911810383002

LAW OFFICES

BRINIG AND BERNSTEIN

SUITE 200

1818 N STREET, N.W.

WASHINGTON, D.C. 20036

(202) 331-7050

FAX: (202) 331-9306

F. JOSEPH BRINIG
LAWRENCE BERNSTEIN

OF COUNSEL TO:
CONLON, FRANTZ, PHELAN & KNAPP

November 19, 1993

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, NW, Room 852
Washington, D.C. 20554

Re: Cary D. Camp
File No. BPH-920402MI
MM Docket No. 93-263

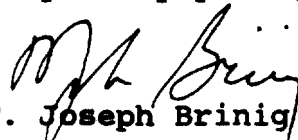
Dear Mr. Fishel:

On behalf of Cary D. Camp, a former applicant for a new FM station at Mansfield, Louisiana, I respectfully request return of Mr. Camp's hearing fee submitted to the Commission on September 10, 1992.

Mr. Camp's application was designated for a comparative hearing on October 18, 1993. As the attached Memorandum Opinion and Order demonstrates, the applicants reached a settlement with each other and Mr. Camp's application was dismissed without the need for either applicant to go to hearing. Consequently, refund of Mr. Camp's hearing fee of \$6,760 is appropriate at this time. Mr. Camp's hearing fee refund should be made directly to him at: 949 Poleman Road, Shreveport, Louisiana 71107.

Should you have any questions concerning this request, please contact me.

Very truly yours,


F. Joseph Brinig

Attachments

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 93M-704
40273

In re Applications of)	MM DOCKET NO. 93-263
)	
DESOTO BROADCASTING CORP.)	File No. BPH-920324ME
)	
CARY D. CAMP)	File No. BPH-920402MI
)	
For Construction Permit for a)	
New FM Station on Channel 284C3)	
in Mansfield, Louisiana)	

MEMORANDUM OPINION AND ORDER

Issued: November 10, 1993 ; Released: November 12, 1993

1. DeSoto Broadcasting Corporation (DeSoto) and Cary D. Camp (Camp) seek a ruling on a "Joint Request for Approval of Settlement Agreement." They filed their Request on November 8, 1993, along with the accompanying settlement papers.

2. These two remaining applicants have settled their differences. Camp has agreed that his application can be dismissed. In return, DeSoto: (1) will pay Camp up to \$25,000 (but not more than the reasonable and legitimate expenses that Camp incurred preparing and prosecuting his application); and (2) grant Camp a right of first refusal to purchase the station for ten years.

Ruling

3. The Trial Judge will grant the Joint Request and approve the agreement. DeSoto and Camp have submitted the proper documents. The charges that Camp incurred preparing and prosecuting his application total \$25,087.30. So the Trial Judge will approve a \$25,000 payment from DeSoto to Camp.

4. The accompanying papers indicate that neither applicant filed their application for an improper purpose. The ten-year right of first refusal that DeSoto is giving Camp is not adverse to the public interest. Also, approving the agreement will eliminate the need for a comparative hearing and speed up the start up of a new FM station in Mansfield, Louisiana. So the public interest is furthered.

5. One more thing. DeSoto faces no basic qualifying issues and is qualified to construct and operate as proposed. See DA 93-1210 released October 18, 1993, at paras. 5-6.¹ Thus his application can be granted now.

¹ DeSoto has supplied the information that the Chief, Audio Services Division called for in his Hearing Designation Order. See FCC 93M-703, released November 12, 1993.

- 2 -

SO the "Joint Request for Approval of Settlement Agreement" that DeSoto Broadcasting Corporation and Cary D. Camp filed on November 8, 1993, IS GRANTED; and the accompanying Settlement Agreement IS APPROVED;

Cary D. Camp's application (BPH-920402MI) IS DISMISSED with prejudice;

DeSoto Broadcasting Corporation's application (BPH-920324ME) IS GRANTED;
and

This proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller
Administrative Law Judge

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OF COUNSEL TO:
CONLON, FRANTZ, PHELAN & KNAPP

September 10, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Hearing Fee Payment
Cary D. Camp
File No. BPH-920402MI
Mansfield, Louisiana

Dear Ms. Searcy:

On behalf of Cary D. Camp, applicant for the above-referenced new FM station at Mansfield, Louisiana, please find attached a completed FCC Fee Processing Form 155 and a check in the amount of \$6,760.00 tendered as the hearing fee for Mr. Camp's application.

This hearing fee is submitted pursuant to the Commission's Notice of Acceptance for Filing, Report No. NA-161, dated July 7, 1992.

Should questions arise concerning this application, please contact my office.

Respectfully submitted,


F. Joseph Brinig

cc: Cary D. Camp

Approved by OMB
3060-0440
Expires 2/28/93

FEDERAL COMMUNICATIONS COMMISSION

FEE PROCESSING FORM

FOR
FCC
USE
ONLY

FCC/MELLON SEP 10 1992

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Cary D. Camp

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form)

949 Poleman Road

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

Shreveport

STATE OR COUNTRY (If foreign address)

Louisiana

ZIP CODE

71107

CALL SIGN

NEW

OTHER FCC IDENTIFIER

File # 920402MI

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M W R		\$ 6,760.00	

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2)			\$	
(3)			\$	
(4)			\$	
(5)			\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING \$ 6,760.00	FOR FCC USE ONLY

7384

9/8 1992

PAY TO THE
ORDER OF

PAY TO THE ORDER OF Federal Communications Commission \$ 6,760.00

Six thousand seven hundred fifty: ~~no~~ DOLLARS

PremierBank

Shreveport/Bossier, La.

Bank Code 01

FOR # 920402 ME (KNOX, LA)

Greg R. Long

1:1111000221:100 7448 86 411 7384